

Focused Stakeholder Outreach Meeting

Beneficial Use Categories Development

- Tribal Traditional & Cultural Use
- Tribal Subsistence Fishing
- Subsistence Fishing

State Water Resources Control Board
May-July, 2016

What are Beneficial Use Categories?

- Beneficial uses are the cornerstone of water quality standards and reflect the goals for a water body
- Provide a framework for establishing Water Quality Objectives to protect specific water bodies from pollutants and contaminants

Examples of Beneficial Uses

- Agricultural Supply
- Aquaculture
- Preservation of Biological Habitats of Special Significance
- Cold Freshwater Habitat
- Commercial and Sport Fishing
- Estuarine Habitat
- Freshwater Replenishment
- Ground Water Recharge
- Industrial Service Supply
- Marine Habitat
- Migration of Aquatic Organisms
- Municipal & Domestic Supply
- Navigation
- Hydropower Generation
- Industrial Process Supply
- Inland Saline Water Habitat
- Preservation of Rare, Threatened & Endangered Species
- Water Contact Recreation
- Non-Contact Water Recreation
- Shellfish Harvesting
- Spawning, Reproduction, & Early Development
- Warm Freshwater Habitat
- Wildlife Habitat

Example Beneficial Uses

- Cold Freshwater Habitat: Use of water that support cold water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife including invertebrates
- Water Contact Recreation: Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible, these uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs

Water Quality Objectives

- Water Quality Objectives (WQO) are limits on pollutants used to protect the Beneficial Uses
- WQOs are established by the Regional Water Boards or the State Water Board
- WQOs may be established on statewide, region wide, or water-body specific basis



History & Background

- **July 2013** Letter requesting new beneficial use categories
- **2013-2015** Tribes and environmental justice representatives developed proposed language
- **Feb 16, 2016** State Water Board adopted resolution NO. 2016-0011

February 2016 Board Resolution

- Develop proposed beneficial use categories
- Consider the beneficial uses presented in Attachment A when developing beneficial use categories
- Utilize public participation process when developing the proposed beneficial use categories and to bring an item to the board on the input received
- Consider adopting the beneficial use categories and definitions proposed by staff no later than April 2017

Future Timeline

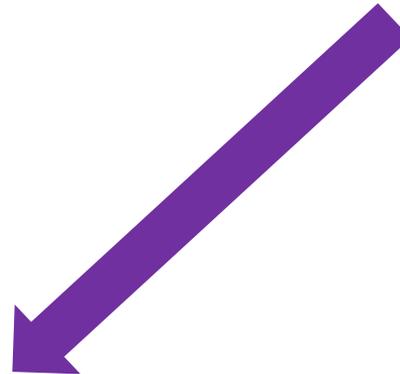
May-July, 2016

Stakeholder outreach
on draft Beneficial
Use (BU) definitions



September, 2016

Informational item
based on stakeholder
feedback to board



Fall 2016

Public comment on
draft amendment
(with BU definitions)



April, 2017

Board considers
amendment containing
BU definitions

Preliminary draft of the proposed Beneficial Use Categories

- Tribal Traditional Cultural Use
- Tribal Subsistence Fishing Use
- Subsistence Fishing



Tribal Traditional & Cultural Use

Uses of water that support the cultural, spiritual, ceremonial, traditional rights and/or lifeways of California Native American Tribes, including, but not limited to: navigational activities, and fishing, gathering, and/or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials, as supported by California Native American Tribe(s).

Tribal Traditional & Cultural Use

- Specific to Native American practices & sovereignty
- Designed to protect traditional and cultural activities
- Examples include:
 - Water ceremonies
 - Gathering aquatic materials, such as reeds for basket weaving
 - Aquatic plants used for food and medicines



Tribal Subsistence Fishing Use

Uses of water that support the catching or gathering of natural aquatic resources, including fish and shellfish, by California Native Americans, for consumption by individuals, households, and/or communities to meet fundamental needs for sustenance.

Tribal Subsistence Fishing Use

- Specific to Native American practices– Respects Native American sovereignty
- Does not protect the fish or their habitat
- Protects the consumption of fish and shellfish at levels consumed by Native Americans



Subsistence Fishing

Uses of water that support the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, by individuals for consumption by individuals, their households, or communities, to meet fundamental needs for sustenance due to cultural tradition, lack of personal economic resources, or both.

Subsistence Fishing

- Applies to non-tribal people who consume fish and shellfish at levels above the average recreational fisher consumption
- Consumption may be due to cultural practices (not indigenous), for economic reasons, or both
- Also does not protect the fish or their habitat



What will the adoption of Beneficial Use categories achieve?

- Beneficial Use categories will be subsequently utilized by the Regional Water Boards and State Water Board in standards planning and other Board actions.
- This will NOT designate any water with such uses.



How/where will Beneficial Uses be applied?

- The Regional Water Boards will need to designate these beneficial uses to waters before they become effective for a particular waterbody
- Water quality objectives may need to be developed to protect the Beneficial Uses
- The water quality objectives must be based on sound science and empirical data

What happens next?

Assuming the State Water Board adopts Beneficial Use definitions:

- Regional Boards may designate the Beneficial Uses to specific water bodies (Regional Basin Plan Action)
- WQOs may be developed (Regional or Statewide action)
- Implementation programs:
 - Permits
 - WDRs
 - NPDES permits
 - 401 certifications
 - Waivers of waste discharge

State Water Board staff's current goals

- Fulfill the Board's direction to use the public participation process. This and follow up outreach meetings are a part of that process
- Gather meaningful feedback to bring to our Board members with respect to the development of the beneficial use categories

What feedback are we seeking?

- Are these proposed Beneficial Uses categories clear and useful?
- Are there Tribal uses of water that are not covered?
- Are there any changes needed to the proposed language that would help:
 - Remedy vagueness or clarify the meaning
 - Prevent misapplication

What feedback are we seeking?

- What might be impacts of the establishment of the Beneficial Use categories? Examples?
 - Uses currently made on waters will be eventually protected more than currently?
 - More stringent water quality objectives?
 - Impact to Board's California Water Code 401 Water Quality Certification Process?

How can you provide feedback?

- Submit feedback at earliest convenience, but no later than **2 weeks** following the meeting
- In meetings with staff
- Written feedback to staff
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February 2016 Board Resolution

1. Directs State Water Board staff to develop proposed beneficial use categories, including definitions, pertaining to tribal traditional and cultural use, tribal subsistence fishing use, and subsistence fishing use by other cultures or individuals.
2. Directs State Water Board staff to consider the beneficial uses presented in Attachment A when developing the aforementioned proposed beneficial use categories.
3. Directs State Water Board staff to utilize the applicable public participation process when developing the proposed beneficial use categories and to seek input from representatives of tribes, environmental justice organizations, the regulated community, and all other interested entities and individuals. The board further directs staff, after substantially completing this public participation process, to bring an item to the board (no later than the end of Summer 2016) to provide an update on the input received for the board to consider and to provide further direction, if appropriate.
4. Unless direction is otherwise provided, will consider adopting the beneficial use categories and definitions proposed by staff as part of the Mercury Amendment to the statewide Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries, no later than April 2017, to create a consistent set of beneficial uses to be used by the Water Boards.